United Nations A/72/949–S/2018/591

General Assembly
Security Council

Distr.: General
21 August 2018

Original: English

General Assembly
Seventy-second session
Agenda item 34
Prevention of armed conflict

Security Council
Seventy-third year

Letter dated 17 August 2018 from the representatives of Liechtenstein and Qatar to the United Nations addressed to the President of the General Assembly and the President of the Security Council

We have the honour to forward herewith a joint letter dated 17 August 2018 by Aurelia Frick, Minister for Foreign Affairs, Justice and Culture of the Principality of Liechtenstein, and Sheikh Mohammed bin Abdulrahman bin Jassim Al-Thani, Deputy Prime Minister and Minister for Foreign Affairs of the State of Qatar, concerning violations of international humanitarian law and international human rights law in connection with the recent reports of official death notices of a large number of arbitrarily detained civilians, including political detainees and others perceived to oppose the authorities in the Syrian Arab Republic (see annex).

We would appreciate it if the present letter and its annex could be circulated to the members of the General Assembly and the Security Council and issued as a document of the Assembly, under agenda item 34, and of the Council.

(*Signed*) Georg **Sparber**
Chargé d'affaires a.i.
Permanent Mission of Liechtenstein to the United Nations

(*Signed*) Alya Ahmed S. **Al-Thani**
Ambassador
Permanent Representative of Qatar to the United Nations

18-15371 (E) 170918

Please recycle

Annex to the letter dated 17 August 2018 from the representatives of Liechtenstein and Qatar to the United Nations addressed to the President of the General Assembly and the President of the Security Council

We have the honour to write to you on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, New Zealand, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom, the United States of America as well as our own Governments.

We write to you to express alarm and deep concern at recent reports of the emergence of large numbers of death notices issued by the Syrian authorities that document the death of arbitrarily detained civilians, including political detainees and others perceived to oppose the authorities, who were subject to enforced disappearances since the start of the uprising.

According to Syrian and international human rights groups, death notices are being issued at an unprecedented rate for large numbers of detainees who have perished since March 2011. These documents are being issued by the civil registry offices upon receiving from the Syrian Defence Ministry lists of names of deceased detainees and by the military police, which releases death certificates listing medical causes for the deceased, such as heart attacks or strokes. The documents routinely fail to explain the circumstances of the enforced disappearance and death of the detainee. According to Syrian and international human rights groups, thousands of detainees have died under torture, due to deteriorating humanitarian conditions, or were extrajudicially executed. Often, individuals who were arrested together have the same death date, which may indicate systematic executions.

The families of detainees forcibly disappeared by the Syrian authorities have been unable to ascertain the fate of their loved ones for years. Recently, many families were shocked to learn from Syrian authorities that their relatives have been officially recorded as dead. These families are unable to announce the news of the detainees' deaths and to arrange funeral services for fear of retribution by the security services. In addition, families have often not received the body of the deceased, nor have they been informed about the location of the body or the circumstances and cause of death. The Syrian authorities should identify and return the bodies to their respective families.

Recent disclosures may corroborate the 2013 report known as the "Caesar report", which is based on evidence smuggled by a defector, including more than 53,000 pictures which document the execution of thousands of detainees. According to international human rights organizations, 6,786 unique victims were identified in those pictures.[1] These recent disclosures may also corroborate findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, which stated in one of its reports that detainees have been beaten to death, died as a result of injuries sustained due to torture, or perished as a consequence of inhumane living conditions, amounting to war crimes and crimes against humanity, including those involving extermination, murder, torture, imprisonment, enforced disappearance and other inhumane acts.[2]

[1] See https://www.hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities.

[2] See A/HRC/31/CRP.1.

These acts constitute flagrant violations of international humanitarian law and international human rights law, and further violate basic rights enshrined in the Universal Declaration of Human Rights. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Syrian Arab Republic is a State party, imposes additional obligations on the authorities to refrain from such conduct.

The increased rate of official death notices reflects a policy geared towards impunity by the Syrian authorities without fear of legal consequences, and may amount to tacit admission of responsibility for the deaths of the detainees. As noted by the Commission of Inquiry, incidents of this nature and at this scale have amounted to war crimes and crimes against humanity[3] and further demonstrate the need for comprehensive investigation and accountability under international law. Yet, the Syrian authorities demonstrate no intent or ability to launch legitimate investigations or criminal prosecutions against those allegedly responsible for these crimes, but rather protect them and legalize their actions with procedures of the sort described herein. Such actions further demonstrate the need for the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, which was established by General Assembly resolution 71/248.

Achieving accountability for mass atrocity crimes is essential for creating the conditions conducive to sustainable peace in the Syrian Arab Republic, through the United Nations-led efforts. Arbitrary detention and torture are in violation of international law and in defiance of various Security Council resolutions, including resolution 2254 (2015), and must be addressed within the framework of the United Nations-led process. We also reiterate the call by the Security Council to release any arbitrarily detained persons.

We urge the Security Council and the General Assembly to take necessary steps to fully investigate all possible atrocities and hold those responsible for these serious atrocities to account and safeguard the lives, freedom and human rights of the Syrian people.

(*Signed*) Aurelia **Frick**
Minister for Foreign Affairs, Justice and Culture
of the Principality of Liechtenstein

(*Signed*) Mohammed bin Abdulrahman bin Jassim **Al-Thani**
Deputy Prime Minister and Minister for Foreign Affairs
of the State of Qatar

[3] Ibid.